



DEPARTMENT OF HEALTH & HUMAN SERVICES

HFA-305
DOCKETS Mgt.
Public Health Service

Food and Drug Administration
Rockville MD 20857

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Duramed Pharmaceuticals, Inc.
Attention: John Rapoza
5040 Duramed Drive
Cincinnati, OH 45213

JUL - 3 2002

Docket No. 01P-0209/CP1

Dear Mr. Rapoza:

This is in response to your petition filed on May 1, 2001, requesting permission to file an Abbreviated New Drug Application (ANDA) for the following drug products: Progesterone Tablets 100 mg and 200 mg. The listed drug products to which you refer in your petition are Prometrium® (Progesterone) Capsules, 100 mg and 200 mg, approved under NDA 19-781, held by Unimed Pharmaceuticals, Inc. Also considered were your request for a Waiver of Pediatric Studies dated May 15, 2001, and the comments to the petition dated June 25, 2001, submitted by Kleinfeld, Kaplan and Becker. Kleinfeld, Kaplan and Becker assert that this petition should be denied because it fails to establish an adequate basis for assuring the safety and efficacy of the tablet formulation without additional clinical studies and/or significant labeling changes. In particular, Kleinfeld, Kaplan and Becker assert that the proposed product will have a different "food effect" than Unimed's products and that the safety and effectiveness of the proposed product may be compromised by crushing the proposed product and sprinkling it on food before ingestion. Furthermore, Kleinfeld, Kaplan and Becker reject Duramed's justifications for the change requested.

Your request involves a change in dosage form from that of the listed drug products (i.e., from capsules to tablets). The change you request is the type of change that is authorized under the Federal Food, Drug, and Cosmetic Act (Act).

We have reviewed your petition under Section 505(j)(2)(C) of the Act and have determined that it is approved. This letter represents the Agency's determination that an ANDA may be submitted for the above-referenced drug products.

In addition, this petition and your waiver request were evaluated with respect to the Regulations Requiring Manufacturers to Assess the Safety and Effectiveness of New Drugs and Biological Products in Pediatric Patients; Final Rule, published in the Federal Register (Pediatric Rule)(63 FR 66632). The Agency has determined that your proposed change in dosage form is subject to the Pediatric Rule, but has concluded that investigations are not necessary to demonstrate the safety and effectiveness of your proposed products in the pediatric population because these specific drug products do not represent a meaningful therapeutic benefit over existing therapies for pediatric patients and are not likely to be used in a substantial number of pediatric patients.

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Under Section 505(j)(2)(C)(i) of the Act, the Agency must approve a petition seeking a dosage form that differs from the dosage form of the listed drug product unless it finds that investigations must be conducted to show the safety and effectiveness of the differing dosage form.

The Agency finds that the change in dosage form for the specific proposed drug products does not pose questions of safety or effectiveness because the uses, dose, and route of administration of the proposed drug products are the same as that of the listed drug products. Food-effect and sprinkling studies, like those described by Kleinfeld, Kaplan and Becker, are not considered to be investigations to demonstrate the safety or effectiveness of a product under 505(j)(2)(C)(i) of the Act. The Agency concludes, therefore, that investigations are not necessary in this instance. In addition, if shown to meet bioavailability requirements, the proposed drug products can be expected to have the same therapeutic effect as the listed reference drug products.

The approval of this petition to allow an ANDA to be submitted for the above-referenced drug products does not mean that the Agency has determined that an ANDA will be approved for the drug products. The determination of whether an ANDA will be approved is not made until the ANDA itself is submitted and reviewed by the Agency.

For your information, one of the listed drug products to which you refer is covered by a period of exclusivity which appears in the Approved Drug Products With Therapeutic Equivalence Evaluations, 21st Edition, published by the Agency. The existence of such exclusivity will require a statement addressing the exclusivity upon submission of an ANDA for your proposed drug products and may also affect the approval date of any ANDA.

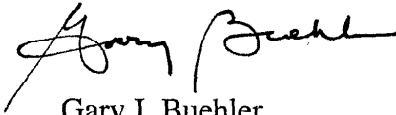
To permit review of your ANDA submission, you must submit all information required under Sections 505(j)(2)(A) and (B) of the Act. To be approved, the drug products will, among other things, be required to meet current bioavailability requirements under Section 505(j)(2)(A)(iv) of the Act. We suggest that you submit your protocol for these drug products to the Office of Generic Drugs, Division of Bioequivalence prior to the submission of your ANDA. During the review of your application, the Agency may require the submission of additional information.

The listed drug products to which you refer in your ANDA must be the drug products upon which you based this petition. In addition, you should refer in your ANDA to the appropriate petition docket number cited above, and include a copy of this letter in the ANDA submission.

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Duramed Pharmaceuticals, Inc.

A copy of this letter approving your petition will be placed on public display in the Dockets Management Branch, Room 1061, Mail Stop HFA-305, 5630 Fishers Lane, Rockville, MD 20852.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Gary Buehler", with a stylized flourish at the end.

Gary J. Buehler
Director
Office of Generic Drugs
Center for Drug Evaluation and Research